



Committee on Local Government
Anderson House Office Building
124 N. Capitol Avenue
Lansing, MI 48933

June 6, 2017
Anniversary of D-Day

VIA EMAIL: alake@house.mi.gov

RE: HB 4105, HB 4334

Dear Committee Members,

Michigan United is a community-based coalition of some 80 ethnic, faith-based, civil rights, labor organizations and chambers of commerce. We have offices in Detroit, Kalamazoo, Grand Rapids and Flint and we work with various communities from Lake Michigan to Lake Erie. On behalf of Michigan United – members, board, staff and the communities we serve – we are gravely concerned about the potential impact of these bills:

In General, Local Government is Best – We believe that local police departments have a better sense of the communities that they serve than do the proponents of this bill. We would argue that this is an instance where local law enforcement should not be burdened with a civil federal responsibility and that each municipality should be able to establish its own priorities. Local police is going to have to learn an entirely new set of laws and regulations, and statuses. This is why immigration enforcement by non-federal agencies is optional and not mandatory (see § 287(g) of the Immigration and Nationality Act). That's law, not policy.

These bills Would Undermine Local Police – After passage of these bills, it will become clear that contact with local law enforcement – whether municipal police or county sheriffs – is synonymous with immigration enforcement. After that, much of the immigrant community will be reticent to report crime or to come forward as witnesses. This doesn't only mean undocumented immigrants, but their families of mixed statuses (US citizen children or lawful permanent resident spouses). This is why Congress felt that it was necessary to reward immigrant victims of certain human trafficking and exploitative crimes with immigration status to ensure their cooperation with authorities and assisting the investigation and prosecution of these crimes (see § 101(a)(15)(T) and (U) of the Immigration & Nationality Act). Again, this is law, not policy.

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Proud Member of the Detroit New Americans Campaign!

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Both locations recognized by the Board of Immigration Appeals

West side:

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Retain Resources to Prosecute Crime over Civil Infractions – Moreover, this bill would make federal civil immigration offenses a priority over local criminal offenses. That doesn't make any sense, and would draw off resources from investigation of crimes and shift them to apprehending non-criminal offenders (overstaying one's visa, which is how a large percentage of the undocumented arrived in the US, is not a crime, but a civil infraction; entry without inspection is a federal misdemeanor punishable by up to 6 months in prison, but is rarely prosecuted by US attorneys). Finally, numerous studies and government data show that the foreign-born – regardless of immigration status – have a considerably lower rate of criminality than the native born. Undocumented immigrants are here to be with their families, or work or for safety.

We have seen other local governments selecting immigration enforcement over criminal enforcement: In Maricopa County, Arizona, the sheriff's office chose to chase undocumented immigrants with the unintended benefit to criminals. The result, according to a Pulitzer-prize winning series in the East Valley Tribune¹: emergency response times increased by minutes; dozens of rape cases sat and were never investigated; in some cases, sheriff's deputies were pursuing suspects who were immigrants when victims described white perpetrators. A small example of what happens when there is an internal incentive to focus on a specific group over what the evidence points to.

"Sanctuary" Counties Have a Lower Crime Rate than Non-"Sanctuary" Counties – While there is evidence of the problems created by local law enforcement going after immigrants, there is also evidence that so-called "sanctuary" cities have myriad benefits. A study by the Center for American Progress² found:

The data are clear: Crime is statistically significantly lower in sanctuary counties compared to nonsanctuary counties. Moreover, economies are stronger in sanctuary counties—from higher median household income, less poverty, and less reliance on public assistance to higher labor force participation, higher employment-to-population ratios, and lower unemployment.

Private Attorney General –This leads us to the potential these bills have to incentivize profiling. We all reacted with shock when we heard that students in Royal Oak surrounded Latino students shouting "build a wall! Build a wall!" We all have heard of numerous other incidents of hate seemingly linked to the president's campaign. Regardless of what the president's intent was, one effect has been to encourage hateful people to express themselves openly. Here, we are not questioning the intent of the proponents of these bills, but their wisdom in that they will give hateful people tools to feel powerful, overwrite the majority of their municipality and push fearful people farther into the shadows and worst

¹"Reasonable Doubt", East Valley Tribune, July 9-13, 2008,
<http://www.eastvalleytribune.com/special-reports/reasonable-doubt/>.

²"The Effects of Sanctuary Policies on Crime and the Economy", Tom K. Wong, Posted on January 26, 2017
<https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>.


of all, divide families. We think that this portion alone will bring out the litigious crackpots and haters and seek to bury municipalities in lawsuits, paper and red tape.

Lawsuits From the Other End – Currently, it is common practice for ICE to file a “detainer” with local jails, asking them to hold a detainee for 48 hours to give time for ICE to come pick them up for removal proceedings. However, these detainers routinely provide no warrant for arrest (signed by a judge) or meet the standard of probable cause necessary to hold someone against their will. In fact, numerous US District Courts across the country have sustained lawsuits against municipalities that have held people in jail on the basis of a detainer request with no probable cause or judicial arrest warrant. This bill, if passed, will merely set municipalities up as victims to these lawsuits under current federal jurisprudence. Here we will have a ridiculous conflict between federal case law versus municipalities forced by state law to enforce federal law and being punished for it.


Ultimately, these bills create or exacerbate tensions around immigrant communities. We believe that none of the members of this committee want that. For these reasons and many more, we urge the committee to vote “NO” and kill this bill here and now.

Thank you for your time and attention to this matter.

Sincerely,



Ryan Bates
Executive Director



Diego Bonesatti
Director of Legal Services